



US Army Corps
of Engineers®

Special Public Notice

Public Notice No. 01-65

Date: August 15, 2001

Nashville District

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
P.O. Box 1070, Nashville, TN 37202-1070

NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS AND PUBLIC HEARING

On August 9, 2001, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the Nationwide Permits (NWP).

NWPs are general permits issued on a nationwide basis to authorize minor activities with minimal evaluation time. Some activities authorized by NWPs require pre-construction notification to the District Engineer before commencing with the work. This notification requirement to the District Engineer is necessitated to ensure that activities authorized by these NWPs have minimal individual and cumulative adverse impacts on the aquatic environment.

The U.S. Army Corps of Engineers Headquarters Office will conduct a public hearing in Washington, D.C., on September 12, 2001, at the GAO Building, 7th floor auditorium. The intent of this hearing is to solicit public comments, both oral and written, on the NWP Program as a whole or on individually proposed NWPs on a national level. The public record for this hearing will conclude at close of business September 22, 2001. This date is separate from the Federal Register notice closing date for the receipt of written comments. For further information on the hearing or the proposed NWPs, please contact Mr. Rich White at (202) 761-4599, or Mr. Sam Collinson, at (202) 761-4594.

This notice is the public's opportunity to comment on the proposed re-issuance of existing NWPs and conditions. Comments on national issues relating to these NWPs should be sent to the GAO Building, Office of the Chief of Engineers, Regulatory Branch (ATTN: CECW-OR), 441 G Street, N.W., Washington, D.C. 20314-1000. Comments on the proposed new and modified NWPs are due by September 24, 2001.

In addition to the NWP general conditions, Division Engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or State. Regional conditions are an important mechanism to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Division Engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., States or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal. Enclosed to this public notice are the proposed regional conditions

currently under consideration for activities within the State of Tennessee. The Nashville District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWP are minimal. In response to the comments received on regional conditions, an additional public notice announcing any additional proposed regional conditions will be published. When the Division Engineer approves regional conditions, those regional conditions become effective when the final NWP public notice is announced. Unless otherwise noted, all proposed regional conditions listed on this enclosure are applicable for activities within the State of Tennessee. Comments on regional issues pertinent to the proposed NWP and regional conditions should be sent to U.S. Army Corps of Engineers, Nashville District, 3701 Bell Road, Nashville, TN 37214, telephone (615) 369-7512. Comments are due by September 24, 2001. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

For those NWP that result in a discharge into waters of the United States, individual State Section 401 Water Quality Certification or waiver is required. The Corps believes, in general, that these NWP comply with State Water Quality Certification standards. However, Corps Districts are working individually with the appropriate State agencies to identify and resolve any issues before finalizing these NWP.

Provisional determinations, including environmental documents, have been prepared indicating that these NWP comply with the requirements for issuance under general permit authority. These documents, as well as the proposed NWP and public hearing information, are available for viewing at the Internet addresses listed below.

The Corps will prepare final decision documents when the NWP are issued or modified. These documents will be available as indicated in the preceding paragraph. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address their decision concerning regional conditions of the NWP

Enclosed is an index of the proposed NWP and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP through the Corps Home Page or GPO Federal Register address listed below.

Internet addresses:

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

As an alternate, World Wide Web users can access the Federal Register through the Government Printing Office (GPO) at <http://www.access.gpo.gov/>.

Index of Nationwide Permits, Conditions, Further Information, and Definitions

Proposed Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Maintenance
8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects*
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Activities*
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
25. Structural Discharges
26. *RESERVED*
27. Stream and Wetland Restoration Activities*
28. Modifications of Existing Marinas
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities*
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation*
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, and Institutional Developments*
40. Agricultural Activities*
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities*
43. Stormwater Management Facilities*
44. Mining Activities

Nationwide Permit General Conditions

1. Navigation
2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements*
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality*
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties
13. Notification*
14. Compliance Certification
15. Use of Multiple Nationwide Permits.
16. Water Supply Intakes
17. Shellfish Beds
18. Suitable Material
19. Mitigation*
20. Spawning Areas
21. Management of Water Flows*
22. Adverse Effects from Impoundments
23. Waterfowl Breeding Areas
24. Removal of Temporary Fills
25. Designated Critical Resource Waters
26. Fills Within 100-year Floodplains*
27. Construction Period *

*** Proposed change, simplification or modification to NWP or General Condition**

Regional Conditions for Nationwide Permits in Tennessee

The Nashville District will require Corps notification on the following Nationwide permits. Below are listed additional specific conditions for each activity.

3. Maintenance.

- Agency notification required for work beyond 100' from structure or if located in outstanding resource streams*.

12. Utility Line Activities.

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S. or if located in outstanding resource streams*.

14. Linear Transportation Crossings.

- Agency notification required for public linear transportation crossings involving over 0.25 acres of fill in waters of the U.S. or if located in outstanding resource streams*.
- For wetland fills greater than 0.25 acres, compensatory mitigation is required at a minimum 2:1 ratio for restoration or 4:1 for constructed wetlands.

27. Stream and Wetland Activities.

- Agency notification required on all activities.

39. Residential, Commercial, and Institutional Developments.

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S., if the fill in waters of the United States exceeds 200 linear feet of stream, or if located in outstanding resource streams*.
- For wetland fills greater than 0.25 acres, compensatory mitigation is required at a minimum 2:1 ratio for restoration or 4:1 for constructed wetlands.

40. Agricultural Activities.

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S.
- For wetland fills greater than 0.25 acres, compensatory mitigation is required at a minimum 2:1 ratio for restoration or 4:1 for constructed wetlands.

42. Recreational Facilities.

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S., if the fill in waters of the United States exceeds 200 linear feet of stream, or if located in outstanding resource streams*.
- For wetland fills greater than 0.25 acres, compensatory mitigation is required at a minimum 2:1 ratio for restoration or 4:1 for constructed wetlands.

43. Stormwater Management Facilities.

- Agency notification required for work involving over 0.25 acres of fill in waters of the U.S., if the fill in waters of the United States exceeds 200 linear feet of stream, or if located in outstanding resource streams*.

*** Preliminary discussions regarding the development of a list of outstanding resource waters in Tennessee have been held by TWRA, TDEC, USACE, USFWS, and EPA.**